

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14559 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

NARENDRASINH KIRITSINH CHUDASMA

Versus

ADDITIONAL CHIEF SECRETARY

Appearance:

1. Special Civil Application No. 14559 of 2004
MR PR NANAVATI for Petitioner No. 1
MR HASURKAR, AGP for Respondent No. 1-2
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CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 10/02/2005

ORAL JUDGEMENT

RULE. Learned AGP waives service on behalf of the respondents. At the joint request of learned advocates appearing for the parties, this petition is

taken up for final disposal today.

2. The short grievance of the petitioner in the present petition is that though by order dated 4/7th June, 2004, the Director General of Police has already granted promotion to the petitioner, consequent to such deemed date of promotion the petitioner is not yet considered for further promotion and his juniors are holding promotional post of Deputy Superintendent of Police.

3. By the said order dated 4/7th June, 2004, the petitioner came to be promoted to the post of Police Inspector with deemed date of promotion of 12-9-1991. On the basis of this deemed date of promotion, the petitioner was ordered to be included in the gradation list of Police Inspectors and it was also directed that his name be interpolated in the list circulated through circular dated 18-5-2002 and that the petitioner be placed between Shri R.P.Rao (serial No.695) and Shri Manoj B.Patel (serial No.696). It is a grievance of the petitioner that despite being granted deemed date of promotion and consequential seniority in the cadre of Police Inspector, his case is not considered for further promotion to the post of Deputy Superintendent of Police. It is stated that persons junior to the petitioner have already been promoted in the year 2003 and the petitioner, therefore, should have been granted such promotion.

4. Appearing for the respondents, learned AGP, Mr.Hasurkar, on the basis of instruction states that through communication dated 8-11-2004 the Director General of Police has already requested the Home Department to consider the case of the petitioner for further promotion to the post of Deputy Superintendent of Police.

5. From the above discussion, it is clear that the case of the petitioner is required to be considered for further promotion to the post of Deputy Superintendent of Police on the basis of his seniority in the cadre of Police Inspector on the strength of deemed date of promotion, which he received by the order dated 4/7th June, 2004. It is also clear that the Director General of Police has already requested the Home Department to take necessary steps in this regard. By disposing of this petition, therefore, it is directed that the respondents shall expedite the process of consideration of the case of the petitioner for promotion to the post of Deputy Superintendent of Police. The said exercise to

be completed as expeditiously as possible and preferably within a period of three months from the date of receipt of copy of this order, by holding a review D.P.C. and considering the case of the petitioner for promotion with effect from the due date when his immediate junior was so promoted.

6. With these observations, this petition is disposed of. Rule is made absolute to the above extent. No order as to costs. Direct service is permitted.

(Akil Kureshi, J.)

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